

FIRST REGULAR SESSION

HOUSE BILL NO. 129

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GATSCHENBERGER.

0677H.04I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 9.010, RSMo, and to enact in lieu thereof three new sections relating to Missouri state employee benefits.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 9.010, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 9.010, 104.405, and 104.406, to read as follows:

9.010. The first day of January, the third Monday of January, [the twelfth day of February,] the third Monday in February, [the eighth day of May,] the last Monday in May, the fourth day of July, the first Monday in September, [the second Monday in October,] the eleventh day of November, the fourth Thursday **and Friday** in November, and the twenty-fifth of December, are declared and established public holidays; and when any of such holidays falls upon Sunday, the Monday next following shall be considered the holiday. There shall be no holiday for state employees on the fourth Monday of October.

104.405. 1. This section shall be known and may be cited as the "2013 State Employee Retirement Incentive Program".

2. As used in this section, "years of service incentive benefit" means a benefit for employees who have at least ten years of creditable service and are eligible to retire under section 104.406 of an amount equal to five hundred dollars for each year of creditable service up to a maximum of twenty years of creditable service.

3. Any employee retiring under section 104.406 shall be eligible to receive the years of service incentive benefit.

4. The state, through the office of administration, shall pay the years of service incentive benefit to the member or the member's beneficiary in two equal installments

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 beginning in August 2014 and ending in August 2015 to pay both equal installments of the
12 incentive.

13 **5. (1) The office of administration shall adopt rules to administer the program and**
14 **may adopt rules on an emergency basis to implement this section, and the rules shall be**
15 **effective immediately upon filing unless a later date is specified in the rules. Any rule or**
16 **portion of a rule, as that term is defined in section 536.010, that is created under the**
17 **authority delegated in this section shall become effective only if it complies with and is**
18 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**
19 **section and chapter 536 are nonseverable and if any of the powers vested with the general**
20 **assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove**
21 **and annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
22 **authority and any rule proposed or adopted after August 28, 2013, shall be invalid and**
23 **void.**

24 **(2) Records of the Missouri state employees' retirement system necessary for**
25 **implementation of this program shall be released to the office of administration for the**
26 **purposes of administering and monitoring the program.**

104.406. 1. Any employee covered under the Missouri state employees' retirement
2 **system whose employment has not been terminated for cause; who has not been a retiree**
3 **of the system; who is eligible to receive a normal annuity under section 104.080, 104.090,**
4 **104.100, 104.271, or 104.400 or a life annuity under section 104.1024; who terminates**
5 **employment on or after April 1, 2014, after reaching normal eligibility; and whose annuity**
6 **commences on or after May 1, 2014, but no later than July 1, 2014, shall be eligible to**
7 **receive the years of service incentive benefit described in section 104.405. This subsection**
8 **shall not apply to any employee whose eligibility to retire is based solely on early**
9 **retirement eligibility. In no event shall any years of service incentive benefit described in**
10 **section 104.405 be provided to any individual retiring outside the dates outlined in this**
11 **section. In no way shall an elected official or general assembly member be eligible for the**
12 **incentive contained in this section.**

13 **2. The state may hire employees to replace those employees retiring under this**
14 **section and section 104.405, except that departments shall not fill those positions vacated**
15 **using more than thirty percent of the personal service funds of the positions vacated.**
16 **Exceptions to the thirty percent restriction may be made for positions which are entirely**
17 **federally funded and positions that are deemed critical. Such determination shall be made**
18 **by rule and regulation promulgated by the office of administration.**

19 **3. An employee electing to retire under the provisions of this section and section**
20 **104.405 shall be prohibited from any full-time employment with any department as defined**

21 in this chapter. Any part-time employment with a department by an employee electing to
22 retire under this section and section 104.405 shall not result in any additional credited
23 service as defined in this chapter.

24 4. The governing boards of Truman State University, Lincoln University, the
25 educational institutions described in section 174.020, the highway commission of the
26 Missouri department of transportation and the Missouri state highway patrol, and the
27 conservation commission of the department of conservation may elect to provide its
28 employees or retirees who retire under this section the same benefits as described in this
29 section and section 104.405.

30 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is
31 created under the authority delegated in this section shall become effective only if it
32 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
33 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
34 vested with the general assembly under chapter 536 to review, to delay the effective date,
35 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
36 of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be
37 invalid and void.

38 6. The Missouri state employees' retirement system shall make a report in writing
39 to the commissioner of administration by November 30, 2014, regarding the number of
40 state employees eligible to retire under this section and the number of actual retirements
41 under this section. The commissioner of administration shall report in writing by
42 December 31, 2014, to the governor and the general assembly regarding the information
43 provided by the Missouri state employees' retirement system and the years of service
44 incentive benefit payments, including an analysis of the costs and savings as a result of such
45 retirements, the amount of payroll reduced, and the number of positions that are cut as a
46 result of such retirements. The commissioner of administration shall also submit an
47 updated report concerning the program on or before December 31, 2015.

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